

## **CHAPTER 2** **SEWER USE ORDINANCE**

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#### **18-201. Purpose and policy.**

This chapter sets uniform requirements for discharges into the wastewater collection and treatment system and enables the City of Cookeville to comply with the administrative provisions of the Clean Water Act, PL 92-500, and the applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any other discharge criteria which are required or authorized by state or federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into the Cookeville Sewer System. This chapter provides a means for determining wastewater volumes, constituents and characteristics, and the issuance of permits to certain users, in order to:

- (1) Prohibit and/or regulate the contribution of wastewater which may cause operational or maintenance difficulties or deterioration of the sewers, force mains, pumping stations and other structures appurtenant to the wastewater treatment system as hereinafter defined;
- (2) Establish control of the contribution of wastewater which requires greater treatment expenditures that are required for equal volumes of normal domestic waste;
- (3) Establish pretreatment requirements for industrial waste before discharge to public sewers as required in 40 CFR, Part 403, as amended;

(4) Establish a uniform procedure for design, installation, inspection, operation and maintenance of private wastewater treatment and disposal systems, extension of public sewer systems, laterals and connections to sewer mains.

(1970 Code, § 13-401)

#### **18-202. Scope and applicability.**

This chapter shall be deemed part of all residential, commercial, industrial, and public contracts for receiving wastewater collection and treatment services from the city and shall apply to all service received whether the service is based upon contract, agreement, signed application, or other mutual understanding. All customers are required to be governed by the rules and regulations as herein set out. A copy of these provisions shall be kept open to inspection at the office of the City Clerk of Cookeville, Tennessee.

(1970 Code, § 13-402)

#### **18-203. Definitions and abbreviations.**

(1) Definitions. For the purpose of this chapter and unless the context specifically indicates otherwise, the following terms shall have the following meanings.

(a) "The Act" means the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

(b) "Approval Authority." The Tennessee Division of Water Resources Director or his/her representative(s).

(c) "Authorized representative." An authorized representative of an industrial user may be:

(i) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(ii) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;

(iii) A duly authorized representative of the individual designated above, if such a representative is responsible for the overall operation of the facilities from which the indirect discharge originates. The authorization must be made in writing by an individual described in subparagraphs (i) or (ii) of this paragraph, must specify either an individual or position having responsibility for the overall operation of the facility from which the Industrial discharge originates and/or the overall responsibility for the environmental matters for the company, and the written authorization must be submitted to the Control Authority. A new written authorization must be submitted to the Control Authority when a different individual or position has responsibility for the overall operation of the facility.

(d) "Best Management Practices" or "BMPs" means schedules or activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Tennessee Rule 0400-40-14-.05 (1)(a) and (2). BMP's also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage and leaks, sludge or waste disposal, or drainage from raw materials storage.

(e) "BOD, (biochemical oxygen demand)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures (standard methods) in five days at 20 degrees Centigrade (68° Fahrenheit) expressed in milligrams per liter.

(f) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(g) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(h) "Categorical Pretreatment Standards" are limitations on pollutant discharges to publicly owned treatment works (POTWs), promulgated by EPA in accordance with Section 307 of the Clean Water Act that apply to specific process wastewaters of particular industrial categories.

(i) "City" shall mean the City of Cookeville, Tennessee.

(j) "Combined sewer" shall mean a sewer receiving all wastewater including a surface runoff. Combined sewers, as defined, are prohibited by any user.

(k) "Commercial and industrial use" shall mean all uses with the exception of domestic use as defined in this chapter.

(l) "Compatible pollutant" means BOD, suspended solids, nitrogen, animal and vegetable oil and grease, pH, and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in this city's NPDES permit for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutants.

(m) "Composite sample." A sample consisting of several effluent portions collected during a 24-hour period. When used in this chapter it shall mean a sample in which the portions of sample are proportionate to the flow and combined to form a representative sample.

(n) "Connection" shall mean any physical tie or hookup made to a sewer line owned, operated and maintained by the city.

(o) "Connection charge" shall mean that charge levied to defray the expenditure required to process the application, make the connection, inspect the sewer lateral and service, and approve the discharge permit.

(p) "Control Authority" refers to the City of Cookeville Department of Water Quality Control and its Director or his authorized representative(s).

(q) "Cooling water" shall mean the water used for heat exchange and discharged from any system of condensation, air conditioning cooling, refrigeration, or other such system, but which has not been in direct contact with any polluting material.

(r) "Customer" shall mean any person who receives sewer service from the city under either an express or implied contract requiring such person to pay the city for such service.

(s) "Department of Water Quality Control or Department" shall mean the Department of Water Quality Control of the City of Cookeville, Tennessee.

(t) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(u) "Director" shall mean the Director of the Department of Water Quality Control for the City of Cookeville, Tennessee, or his authorized representative.

(v) "Domestic use" of the facilities of the wastewater system shall be defined and limited to single family, multi-family, apartment or other dwelling unit or dwelling unit equivalent containing sanitary facilities for the disposal of domestic wastewater and used for residential purposes only.

(w) "Environmental Protection Agency or "EPA" means the Environmental Protection Agency, an agency of the United States. Where appropriate the term may also be used as a designation for the Administrator or other duly authorized officials of said agency.

(x) "Extra strength wastewater" shall be defined as any wastewater that has any characteristic or combination of characteristics exceeding the characteristics of normal domestic wastewater and that require effort or expenditure over and above that required for treatment of normal domestic wastewater.

(y) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(z) "Grab sample." An individual sample collected over a period of time not exceeding 15 minutes.

(aa) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

(bb) "Incompatible pollutant" means any pollutant which is not a compatible pollutant as defined in this chapter.

(cc) "Indirect discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act (33 USC 1317), into the POTW, including holding tank wastes.

(dd) "Industrial wastes" are the liquid wastes, other than domestic wastewater, resulting from processes or operations employed in industrial or commercial establishments.

(ee) "Industrial user" means a source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to section 402, of the Act.

(ff) "Inspector" shall mean the Inspector of the Department of Water Quality Control of Cookeville, Tennessee.

(gg) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment process or operations,

or its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or the collections system.

(hh) "National Categorical Pretreatment Standard," "Pretreatment Standard," or "Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Federal Clean Water Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to Tennessee Rule 0400-40-14-.05.

(ii) "National Prohibitive Discharge Standard or Prohibitive Discharge Standard." Any regulation developed under the authority of section 307(b) of the Act and 40 CFR Section 403.5.

(jj) "National Pollutant Discharge Elimination System or NPDES permit." A permit issued to a POTW pursuant to section 403 of the Act, (33 U.S.C. 1342).

(kk) "Natural outlet" shall mean any point of discharge into a water course, pond, ditch, lake, stream, or other body of surface or ground water.

(ll) "New source."

(a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of proposed Pretreatment Standards under section 307 (c) of the Federal Clean Water Act which will be applicable to such source, if such standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility or installation is constructed at a site at which no other source is located; or
2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity, as the existing source should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of parts 2 and 3 of this definition but otherwise alters, replaces, or adds to the existing process or production equipment.

(c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

1. Begun, or caused to begin as part of a continuous onsite construction program:

(i) Any placement, assembly, or installation of facilities or equipment; or

(ii) Significant site preparation work including cleaning, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

2. Entered into a binding contractual obligation for the purpose of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(mm) "Normal domestic wastewater or normal wastewater" shall contain a daily average of not more than 300 mg/l of suspended solids; 300 mg/l of BOD<sub>5</sub>; 800 mg/l of COD; 60 mg/l of TKN; 30 mg/l ammonia nitrogen; 100 mg/l animal and vegetable oil and grease; and contain only compatible pollutants as defined above.

(nn) "OSHA" refers to the Occupational Safety and Health Administration.

(oo) "Pass-through." means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(pp) "Permit or wastewater discharge permit." A permit issued by the city to an industrial user describing the conditions for discharge into the POTW, as set forth in this chapter.

(qq) "Person, enterprise, establishment, or owner" shall mean any individual, firm, company, association, society, corporation or group using the Cookeville Sewer System.

(rr) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. A stabilized pH will be considered as a pH which does not change beyond the specified limits of 5 to 10.5 when the waste is subjected to aeration.

(ss) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural wastes discharged into water.

(tt) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such a pollutant into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 C.F.R. section 403.6 (d).

(uu) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

(vv) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch (1.27 centimeters) in any dimension.

(ww) "Public sewer" shall mean a sewer controlled by the Control Authority.

(xx) "Publicly owned treatment works or POTW." A treatment works as defined by section 212 of the Act (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to a treatment works, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. The term also means the City of Cookeville, a municipality, as defined in section 502 (4) of the Act, (33 U.S.C. 1362).

(yy) "Sanitary sewer" is a sewer intended to receive domestic wastewater and industrial waste, without the admixture of surface water and storm water.

(zz) "Sanitary wastewater" shall mean wastewater discharging from the sanitary conveniences of dwellings, including apartment houses and hotels, office buildings, factories or institutions, and free from industrial wastewater, storm and surface water.

(aaa) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

(bbb) "Sewer system" shall mean all facilities for collecting, pumping, treating and disposing of wastewater.

(ccc) "Sewer" shall mean a pipe or conduit for carrying wastewater.

(ddd) "Sewer lateral" shall consist of the pipe line extending from any sewer main of the city to private property.

(eee) "Shall" is mandatory; "may" is permissive.

(fff) "SIC" means the standard industrial classification of users based upon the SIC manual prepared by the Office of Management and Budget.

(ggg) "Significant Industrial User." Any industrial or commercial user of the city's wastewater disposal system who:

- (i) Is subject to Categorical Pretreatment Standards,
- (ii) Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary non-contact cooling and boiler blowdown wastewater), or
- (iii) Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the wastewater treatment plant, or

(iv) Is designated as such by the city on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(hhh) "Significant Noncompliance." A violation of one or more of the following shall constitute significant noncompliance:

(i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements for each pollutant taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by Tennessee Rule 0400-40-14-.03(1);

(ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by Tennessee Rule 0400-40-14-.03(1) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants. TRC calculations for pH are not required by this rule.

(iii) Any other violation of a pretreatment standard or requirement as defined by Tennessee Rule 0400-40-14-.03 (daily maximum, long term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment and has resulted in the POTW's exercise of its emergency authority under State Pretreatment Requirements in Tennessee Rule 0400-40-14 under subpart (6)(a)6(ii) of this rule to halt or prevent such a discharge;

(v) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(vi) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(vii) Failure to accurately report noncompliance;

(viii) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

(iii) "Slug." Any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

(jjj) "Standard methods" shall mean "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, the American Water Works

Association, and the Water Pollution Control Federation. Standard methods used shall be the latest approved methods recognized in 40 CFR Part 136.

(kkk) "State." State of Tennessee.

(lll) "Storm sewer" or "storm drain" shall mean a pipe or conduit, ditch or canal which carries storm and surface waters and drainage, cooling water or other unpolluted water, but excludes wastewater.

(mmm) "Suspended solids" shall mean solids that either float on the surface of or are in suspension in wastewater, and which are measurable as prescribed by "standard methods" and expressed in milligrams per liter.

(nnn) "Unpolluted water or waste" shall mean any water or wastewater containing no free or emulsified grease or oil; acid or alkali, phenols or other substances imparting taste and odor in receiving waters, toxic and poisonous substances in suspension, colloidal state or solution, and noxious or odorous gases and/or other polluting materials.

(ooo) "User." Any customer who contributes, causes or permits the contribution of wastewater into POTW.

(ppp) "Wastewater" shall mean the water-carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm water as may be present.

(qqq) "Wastewater treatment plant" shall mean any arrangement of devices and structures used for treating wastewater, or, in the case of the city plant, may also be referred to as POTW (publicly owned treatment works.)

(rrr) "Waters of the State." All waters public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon the state or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or affect a junction with natural surface or underground waters.

(sss) "Wye" shall mean any mechanical connection for a service lateral.

Terms not otherwise defined herein shall be as adopted in the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

(2) Abbreviations. In this chapter the following abbreviations shall stand for the following:

- (a) "BOD" represents Biochemical Oxygen Demand.
- (b) "CFR" represents Code of Federal Regulations.
- (c) "COD" represents Chemical Oxygen Demand.
- (d) "EPA" represents Environmental Protection Agency.

- (e) "mg/l" represents milligrams per liter which is equivalent to parts per million.
- (f) "NH<sub>3</sub>-N" represents ammonia-nitrogen.
- (g) "NPDES" represent National Pollutant Discharge Elimination System.
- (h) "OSHA" represents Occupational Safety and Health Administration
- (i) "POTW" represents Publicly Owned Treatment Works.
- (j) "RCRA" represents Resource Conservation and Recovery Act.
- (k) "SIC" represents Standard Industrial Code.
- (l) "SWDA" represents Solid Waste Disposal Act.
- (m) "TSS" represents Total Suspended Solids.
- (n) "μ/l" represents micrograms per liter which is the equivalent to parts per billion.
- (o) "U.S.C" represents United States Code.

(1970 Code, § 13-403)

#### **18-204. General regulations.**

(1) Permits required. All users must obtain a permit from the Department of Water Quality Control prior to connection of sewer service. In addition, all significant industrial users must obtain a discharge permit prior to discharge into the POTW.

(2) Prohibited discharges. No person shall discharge, deposit, cause, allow to be discharged or deposited into the POTW anything that causes pass through or interference or contains the following:

(a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings of an explosion hazard meter, at the point of discharge into the system or at any point in the system be more than five percent (5%) nor any single reading be more than ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, waste streams with a closed cup flash point of less than 140°F or 60°C using the test method specified in 40 CFR 261.21, and any other substances which the City, State or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW, such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood or feathers from slaughterhouses, ashes, and cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass

clippings, rags, strings, cloth, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residue, petroleum products, mud, or glass grinding or polishing wastes.

(c) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow and/or pollutant concentration which will cause interference at the POTW. No water or wastes shall be discharged to the public sewer in "slugs" so that the flow rate or concentration of pollutants causes sufficiently sudden changes in the wastewater as it arrives at the wastewater treatment plant to interfere with proper operation.

(d) Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the sewerage facilities or personnel operating the system.

(e) Any unpolluted water including, but not limited to, storm water, surface water, groundwater, roof runoff, or subsurface drainage which will increase the hydraulic load on the treatment system. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated storm sewers, or to a natural outlet. Approval from the State may be required to discharge to a storm sewer or natural outlet.

(f) Any wastewater causing discoloration of the POTW effluent such as, but not limited to, dye wastes or vegetable tanning solutions, in sufficient quantity to cause such discoloration of the POTW effluent.

(g) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass-through at the POTW, and any oil and grease that results in separation and adherence to POTW structures and appurtenances in excess of normal domestic wastewater.

(h) Discharges which will cause corrosive structural damage to the POTW, but in no case, discharges with a pH lower than 5.0 or higher than 10.5.

(i) Any wastewater containing toxic pollutants in sufficient quantity, either singularly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitations set forth in a Categorical Pretreatment Standard. Toxic pollutants shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the act.

(j) Any noxious or malodorous liquids, gases, or solids which either singularly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

(k) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the

Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

(l) Any substance which will cause the POTW to violate its NPDES and/or state permit or the receiving water quality standard.

(m) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 60°C (140°F) or causes the influent to the wastewater treatment plant to exceed 40°C (104°F).

(n) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in at quantity that may cause acute worker health and safety problems.

(o) Any wastewater which causes a hazard to human life or creates a public nuisance.

(p) Any trucked or hauled pollutants, except properly permitted discharges at points designated by the POTW.

(3) Restricted discharges.

(a) No person or user shall discharge wastewater which exceeds the following concentrations unless an exception is permitted as provided in this chapter. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered a violation of this chapter.

Parameter	Monthly Average * Concentration (mg/L)
Copper	5.0
Chromium	5.4
Nickel	4.7
Cadmium	0.18
Lead	1.87
Mercury	0.0007
Silver	1.16
Zinc	5.0
Cyanide	0.34
Toluene	4.19

\*Based upon 24-hour flow-proportionate composite samples.

Parameter	Monthly Average* Concentration (mg/L)
Benzene	0.28
1,1,1-Trichlorethane	3.98
Ethylbenzene	0.55
Carbon Tetrachloride	1.98
Chloroform	5.11
Tetrachloroethylene	2.5
Trichloroethylene	1.8
1,2 Transdichloroethylene	0.21
Methylene Chloride	2.63
Phenols, Total	5.0
Naphthalene	0.21
Total Phthalates	6.0

Total Phthalates is the sum of Bis (2-ethylhexyl) phthalate, Butyl Benzylphthalate, Di-N-butylphthalate and Diethylphthalate.

\*Based on composite or grab samples as required in 40 CFR 136.

(b) No person or user shall discharge any waters or wastes which cause the wastewater leaving the POTW to exceed any pass through limits established by the Tennessee Department of Environment and Conservation.

(4) Categorical Pretreatment Standards. Upon the promulgation of federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than the limitations imposed under this section for sources in that subcategory, shall immediately supersede the limitations imposed under this section. The affected user shall come into compliance with said limitations within the time allotted in the Federal Categorical Regulation.

(5) Limitations on strength. It is the intent of this chapter to regulate all discharges of compatible wastes in excess of the concentrations shown below based on composite samples:

Constituent	Daily Average Concentration (mg/l)
BOD <sub>5</sub>	300
TSS	300
COD	800
NH <sub>3</sub> -N	30
TKN	60
Oil and Grease	100

(6) Exceptions. Nonresidential users of the Cookeville Sewer System may apply for an exception to the Restricted Discharge limitations listed in subsection 3(a) of this section. Exceptions can be granted according to the following guidelines subject to the appeals procedure provided in § [18-211](#):

(a) All exceptions granted under this paragraph shall be temporary and subject to revocation at any time by the Control Authority upon a reasonable notice.

(b) The user requesting the exception must demonstrate to the Control Authority that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc., so that discharges to the Cookeville Sewer System are being minimized. If negligence is found, permits will be subject to termination.

(c) The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge will not:

(i) Interfere with the normal operation of the Cookeville POTW.

(ii) Limit the sludge management alternatives available and increase the cost of providing adequate sludge management.

(iii) Pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its pass-through limits or NPDES permit.

(d) The user must agree in writing that, should the discharge cause any of the occurrences listed in paragraph (c) above, the discharge shall be immediately discontinued.

(e) The user must show that the exception, if granted, will not cause the discharger to violate any federal pretreatment standards, including categorical standards if applicable, unless the exception is granted under provisions of the applicable pretreatment regulations.

(f) At such time that the levels of pollutants must be reduced because of violations of any of the provisions of section 3(b) above, all users shall be required to reduce their discharge levels by a sufficient amount to meet the standard being violated. Users shall be required to reduce their discharge levels in accordance with their contribution to the system.

(7) Other restrictions. No statement in this chapter is intended or may be construed to prohibit the Control Authority from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the Cookeville Sewer System, create a public nuisance, cause the discharge of the Cookeville Sewer System to violate effluent or stream quality standards, or exceed industrial pretreatment standards for discharge to municipal wastewater treatment system as imposed or as may be imposed by the State and/or the United States Environmental Protection Agency.

(8) State requirements. State requirements and limitations on discharges, if applicable, shall apply in any case where they are more stringent than the federal requirements and limitations or the requirements and limitations of this chapter.

(9) Right of revision. The City reserves the right to establish more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in § [18-201](#) of this chapter.

(10) Protection from accidental discharge. Each user shall provide protection from accidental discharge into the sewer of prohibited materials or other wastes regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the Control Authority for review, and shall be approved by the Control Authority before construction of the facility.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this chapter.

(11) Prohibition of dilution. No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation. The Control Authority may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or in other cases when the imposition of mass limitations is appropriate.

(12) Prohibition of extraneous water. It shall be unlawful for any builder, contractor, property owner, or other persons to cause or permit surface water, storm water, ground water, rain water, street drainage, roof drainage, basement drainage, subsurface drainage or yard drainage from any source whatsoever to be emptied into any sanitary sewer, either directly or indirectly.

(13) Prohibition of unpolluted water. Unpolluted water shall not be discharged through direct or indirect connections to a sewer line unless such discharge is expressly allowed in the users discharge permit.

(14) Other prohibitions. It shall be unlawful for any person to place, deposit, or permit to be deposited in any sewer or manhole any item or object which would interfere with the operation of the POTW, including but not limited to wood, rock, stone, improperly shredded garbage or any other refuse or solid wastes.

(15) Limitations on garbage grinders. Waste from garbage grinders shall not be discharged into the POTW except where such grinders are installed as a part of a residential dwelling, unless written approval is obtained from the Control Authority. Such approval may be revoked at any

time by the Control Authority, if so desired. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the POTW sewers. Garbage grinders shall not be used for the grinding of plastics, paper products, inert materials or garden refuse.

(16) Limitations on point of discharge. No person shall discharge any substance directly into a manhole or other opening in a POTW sewer other than through an approved building sewer unless he shall have been issued a permit by the Control Authority. The user shall be required to pay all applicable permit fees and charges.

(17) Private sewage disposal. The disposal of sewage by means other than the use of the available sanitary sewage system shall be in accordance with local, county and state law. The disposal of sewage by private disposal systems for new construction shall be permissible only in those instances where service from the sanitary sewage system is not available.

(18) Carnivals, circuses, and transient groups. Whenever carnivals, circuses, or other transient groups of persons come within the area of the City of Cookeville such groups of transients shall provide a sanitary method for disposal of sewage and human excrete. Failure to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the Control Authority shall constitute a violation of this chapter.

(19) Tampering with sewer facilities. It shall be unlawful for any person to tamper or interfere with any of the sewage facilities of the city or to make improper connections thereto so as to evade, or attempt to evade, the payment of lawful service and connection charges to the city.

Any person tampering with or interfering with the sewage facilities of the city shall be presumed to have done so with the intent to evade or attempt to evade the payment of lawful service and connection charges to the city.

(20) Access to customer's premises. Identified City employees shall have access to customer's premises at all reasonable times for the purpose of reading meters, testing repairing, removing, or exchanging any or all equipment belonging to the Department of Water Quality Control.

Also, the Director, and other duly authorized employees of the Department of Water Quality Control bearing proper credentials and identification, shall be permitted to enter all private properties through which this city holds a duly negotiated easement for the purposes of inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(21) Interruption of service. The city shall not be liable for any damage resulting from failure or overflow of any sewer main, service pipes or valve, or by discontinuance of the operation of its wastewater collection, treatment and disposal facilities, for repair, extensions, or connections or from the accidental failure of the wastewater collection, treatment and disposal facilities from any cause whatsoever. In cases of emergency the City shall have the right to restrict the use of

its wastewater collection, treatment and disposal facilities in any reasonable manner for the protection of the city and the Cookeville Sewer System.

(1970 Code, § 13-404, as amended by Ord. #07-08-23, Sept. 2007)

#### **18-205. Domestic use requirements.**

A formal application for either original or additional service must be made at the office of the Department of Water Quality Control or other specified locations, and be duly approved before connection is made. The receipt by the City of a prospective customer's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this section and the city's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the City to the applicant for such service.

(1970 Code, § 13-405)

#### **18-206. Industrial and commercial use requirements.**

(1) Permits. Connection permits are required for all commercial and industrial users. Discharge permits are required for all significant industrial users.

(a) Application. An application for original, additional, or continuation of service must be made at the office of the Department of Water Quality Control or other specified locations, and must be duly approved before connection is made. The application shall be in the prescribed form of the Department of Water Quality Control. In support of this application, the user shall submit the following information:

- (i) Name, address, and SIC number of applicant;
- (ii) Volume of wastewater to be discharged by category (i.e., contact cooling water, non-contact cooling water, process wastes, sanitary sewage);
- (iii) Wastewater constituents and characteristics including the presence of any of the pollutants listed under §§ [18-204\(2\)](#) and [18-204\(3\)](#), and the concentrations, if known, as well as any other pollutants listed on the application form;
- (iv) Time and duration of discharge;
- (v) Average and 30-minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- (vi) A site plan/floor plan drawing to an approximate scale showing the property, water distribution system and sewer layout, indicating existing and proposed pretreatment and/or equalization facilities and the location of all floor drains and connections to the sewer system;
- (vii) Description of activities, facilities and plant processes, including quantities of all materials on the premises which are, or could be, discharged; and
- (viii) Any other information as may be deemed by the Control Authority to be necessary to evaluate the permit application.

The receipt by the City of a prospective customer's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this chapter, or the city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the City to the applicant for such service.

The Control Authority will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Control Authority may issue a wastewater discharge permit subject to terms and conditions provided herein.

(b) Confidential information. All information and data on a user obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Control Authority that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user which would be detrimental to the user's competitive position.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies as required to administer and enforce the pretreatment program. Wastewater constituents and characteristics will not be recognized as confidential information.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other regulations, user charges and fees established by the city. The conditions of wastewater discharge permits shall be uniformly enforced in accordance with this chapter, and applicable state and federal regulations. Permit conditions may include the following:

(i) Statement of duration; Permits shall be issued for a specified time period, not to exceed five years. If application for permit renewal has been made in accordance with the requirements of this section, the existing permit shall remain in force until a new permit is issued.

(ii) Statement that the permit is non-transferable.

(iii) Effluent limits. Limits will be based on:

(A) applicable general pretreatment standards,

(B) Categorical Pretreatment Standards,

(C) local limits,

(D) State and local laws, and

(E) Best Management Practices.

(iv) Reporting requirements. This includes POTW or self-monitoring, sampling, reporting, notification and record keeping requirements, identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type.

- (v) Unit charges for violation of limitations on wastewater strength.
- (vi) Requirements for flow regulation and equalization.
- (vii) Requirements for installation and maintenance of inspection and sampling facilities.

(viii) Whenever deemed necessary, such as newly constructed industries, the Control Authority may require Users to designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.

(ix) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Control Authority and allowing access to records by employees of the Department and other authorized persons. Records shall be available for inspection and copying by the Control Authority.

(x) Requirements for submitting certification statements of data accuracy.

(xi) Requirements for notification to the Control Authority of any new processes or any substantial changes in the existing process or in the volume or characteristics of the existing discharge.

(xii) The Control Authority may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Control Authority may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

A. Description of discharge practices, including nonroutine batch discharges;

B. Description of stored chemicals;

C. Procedures for immediately notifying [the Superintendent] of any accidental or Slug Discharge, as required by Section 6.6 of this ordinance; and

D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(xiii) Requirements to control slug or accidental discharges and for notification of slug or accidental discharges to the Control Authority.

(xiv) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements.

(xv) Any applicable compliance schedule.

(xvi) Other conditions to ensure compliance with this chapter.

(d) Permit modification. The terms and conditions of the permit may be subject to modification and change by the Control Authority during the life of the permit, as limitations or requirements are modified and changed. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance as determined by the Control Authority.

(e) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation and shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

(2) Sampling and analytical requirements. Sampling and analysis shall be conducted in accordance with procedures established by the administrator pursuant to Section 304 (h) of the Act and contained in 40 CFR Part 136 as amended. All reports of sampling and analysis shall identify the analytical method used as well as the person's name who conducted the sampling and analysis.

Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which no historical history is available. For facilities with historical data available for grab samples, the POTW may authorize a lower minimum. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the POTW. Where time-proportional composite sampling is authorized by the POTW, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the Industrial User's file.

(3) Reporting requirements.

(a) Reporting requirements for Industrial Users upon effective date of Categorical Pretreatment Standard-Baseline Report. Within 180 days after the effective date of a categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under Tennessee Rule 0400-40-14-.06(1)(d), whichever is later, existing Industrial Users subject to such categorical Pretreatment Standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the Control Authority a report which contains the following information listed in subparagraphs (i)-(vii) of this paragraph. At least 90 days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall be required to submit to the Control Authority a report which contains the information listed in subparagraphs (i)-(vii) of this paragraph. New Sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New Sources shall give estimates of the information requested in subparagraphs (iv) and (v) of this paragraph:

(i) Identifying Information. The User shall submit name and address of the facility including the name of the operator and owners.

(ii) Permits. The User shall submit a list of any environmental control permits held by or for the facility.

(iii) Description of Operations. The User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(iv) Flow Measurement. The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams as necessary to allow the use of the combined wastestream formula of Tennessee Rule 0400-40-14-.06(5). The Control Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(v) Measurement of Pollutants.

(A) The User shall identify the Pretreatment Standards applicable to each regulated process.

(B) In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration shall be reported. The sample shall be representative of daily operations. In cases where the Standard required compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard.

(C) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

(D) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastestreams are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula of Tennessee Rule 0400-40-14-.06(5) in order to evaluate compliance with the Pretreatment Standards. Where an alternative concentration has been calculated in accordance with Tennessee Rule 0400-40-14-.06(5) this adjusted limit along with supporting data shall be submitted to the Control Authority.

(E) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator of the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator of the EPA.

(F) The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(G) The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

(vi) Certification. A statement, reviewed by an authorized representative of the Industrial User and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements. This certification must state that the information submitted is to the best of the authorized representatives knowledge and belief to be true, accurate, and complete per Tennessee Rule 0400-40-14-.06(1)(b)2.

(vii) Compliance Schedule. If additional Pretreatment and/or Operation and Maintenance will be required to meet Pretreatment Standards; the shortest schedule by which the Industrial User will provide such additional pretreatment or Operation and Maintenance. The completion date established for the applicable Pretreatment Standard shall not be later than the compliance date established for the applicable Pretreatment Standard.

(b) POTW Sampling of Industrial Users. The POTW will sample in lieu of the Industrial User. The POTW will work with a lab to ensure all pollutants within the Industry's permit are sampled according to their permit. The sampling reports will be forwarded to both the Industrial User and POTW for review. The POTW has the ultimate control of the sampling requirements, procedures, and schedule; however, the Industrial User will also evaluate the sampling reports and sign stating whether the Industrial User is in violation. The Industrial User is still required to oversee their sampling reports to ensure their awareness of their discharge parameters in relation to their Industrial permit and to certify that they are operating within their permit limits. Control Authority approval is required for an Industrial User to monitor and schedule its own sampling with a lab.

(c) Permit limit violations. If sampling performed by the POTW/Industrial user indicates a violation, the user shall notify the city within 24 hours of becoming aware of the violation and shall provide written notice of the violation within 5 days of becoming aware of the violation. This written notice shall include an explanation of the cause of the violation, and steps being taken to correct the violation and prevent future violations. Such notification shall not relieve the user of liability for any damage caused to the POTW by the discharge, or from any enforcement action which may be taken by the city as a result of the violation.

The POTW/Industrial user shall also repeat the sampling and analysis for the parameter(s) violated and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation. Repeat analysis is not required if:

1. The POTW/User samples the Industrial User at a frequency of at least once per month,  
or
2. The POTW/User performs sampling at the Industry between the time of initial sampling and the time when the POTW/User receives the results of this sampling.

(d) Schedule. Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of new sources, within 90 days of commencement of discharge, any industrial user subject to the categorical pretreatment standards shall submit to the Control Authority, a report containing the information described in subparagraphs (2) (d)-(f) of Tennessee Rule 0400-40-14-.12. The report shall state whether the applicable categorical standards are being met on a consistent basis, and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance. This statement shall be signed by an authorized representative of the user, and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional Operation and Maintenance (O & M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements.

The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable categorical Pretreatment Standards. Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Control Authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Control Authority.

(e) Periodic compliance reports. All significant industrial users whose discharge is monitored, are required to submit to the Control Authority monitoring reports at the intervals specified in the users permit. The reports should be received in the office of the Department no later than the 15th day of the month following the reporting period. This report shall contain the results of all sampling and analyses, performed in accordance with § 18-206(2), of the discharge for the reporting period, as well as all flow measurements, even if the sampling is performed more frequently than required. This report shall include a statement that the information submitted is to the best of the authorized representatives knowledge and belief to be true, accurate, and complete per Tennessee Rule 0400-40-14-.06(1)(b)2. The report shall be signed by an authorized representative of the user. Any violations detected during self-monitoring are subject to the reporting requirements of § 18-206(3)(c).

In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the User shall submit documentation required by the POTW or Pretreatment Standard necessary to determine the compliance status of the User in the same month in which the compliance/monitoring report is due. These reports must be based on sampling and analysis performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto.

The Industrial User shall be required to retain for a minimum of 3 years any Best Management Practice records or records of monitoring activities and results (whether or not such monitoring activities are required by this rule) and shall make such records available for inspection and copying by the POTW. The period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or POTW or when requested by the POTW.

(f) Notice of discharges. Significant Industrial Users are required to notify the POTW immediately of any changes to its facility affecting potential for a slug discharge. Users shall notify the Control Authority immediately upon accidental discharge or slug discharge in violation of this chapter to enable countermeasures to be taken to minimize damage to the POTW and the receiving waters.

This notification shall be followed within five (5) days of the date of occurrence by a detailed written statement describing the cause of the violation and a plan including specific required actions for the satisfactory correction of the violation and prevention of future violations of the same nature. Such notification will not relieve users of liability for any expense, loss, or damage to the sewer system, treatment plant, or treatment process, or for any penalties or fines imposed on the city on account thereof under state and federal law.

(g) Notice to employees. In order that employees of users be informed of the City's requirements, users shall make available to their employees copies of this chapter together with such other wastewater information and notices which may be furnished by the Control Authority from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of a violation of this chapter. Employees shall be informed that immediate reporting of accidental and slug discharges is required.

(h) Discharge of hazardous wastes. All industrial users shall notify the Control Authority, the Tennessee Department of Environment and Conservation, Division of Solid Waste Management and the EPA Region IV Waste Management Division Director in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 (RCRA). The notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other).

If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the user: An identification of the hazardous constituents contained in the wastes, an estimate of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastewater expected to be discharged during the following 12 months.

Notification shall be provided within 180 days of discharge. Notification need be submitted only once for each hazardous waste discharged; however, advance notification of substantial change is required.

Industrial users are exempt from notification requirements if:

(i) The pollutants are already monitored and reported under the user's permit requirements; or

(ii) Less than 15 kilograms of non-acute hazardous wastes are discharged within a calendar month.

If new regulations identify additional characteristics of hazardous wastes or list new hazardous wastes, notification of the appropriate authorities by the industrial user is required within 90 days of the effective date of such regulations.

If notification is required, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined economically feasible.

(iii) Additional sampling. All sampling performed in accordance with 40 CFR part 136, by an industrial user subject to the reporting requirements of a pretreatment permit shall submit the results for all sampling. This includes sampling that is done in addition to the required sampling of the users permit.

(4) Pretreatment.

(a) Criteria for pretreatment. Any wastewater discharge from a significant industrial user whose discharge violates EPA regulations, any applicable categorical pretreatment standards, or the limitations set out under §§ [18-204\(2\)](#) and [18-204\(3\)](#) of this chapter shall pretreat at the point of origin in a private wastewater treatment plant provided, maintained and operated by the owner.

Any discharge exceeding only the "limitations on strength" provisions of this chapter (§ [18-204\(5\)](#)) may be pretreated at the point of origin in a private wastewater treatment plant provided, maintained and operated by the owner, or the user may pay the applicable surcharge as contained in § [18-207\(6\)](#).

(b) Design and construction. All users who elect or are required to construct new or additional facilities for pretreatment shall submit at least two complete sets of plans, specifications, and other pertinent information relative to the proposed construction to the Control Authority for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. Written approval from the Control Authority must be obtained before construction of new or additional facilities may begin. The plans, specifications, and other pertinent information submitted to the city for approval will be retained as file material for future reference with one approved copy returned to the user.

(c) New pretreatment facilities for existing sources. In the event new or additional pretreatment facilities for existing sources are required under the provisions of this chapter, the user shall be issued a compliance schedule for completion of the facilities. This compliance schedule shall include milestone deadlines for completion of design, start of construction, completion of construction, start-up of facilities and full compliance with all limitations. During the compliance schedule time period, the industrial user shall submit written progress reports to the Control Authority not less often than every three months. In the event the user is making a good faith effort to comply but is prevented from compliance due to circumstances beyond the user's control, deadlines may be extended by the Control Authority. Time limits imposed by federal pretreatment regulations shall take precedence over any compliance schedule issued by the city.

(d) Inspection of facilities. A permit for the operation of a new or existing pretreatment or equalization system shall not be issued until and unless the installation is completed to the satisfaction of the Control Authority and written approval for operation is issued to the owner by the Control Authority. The Control Authority shall be allowed to inspect the work at any state of construction. The applicant for the permit shall notify the Control Authority when the work is ready for final inspection.

(e) Maintenance of facilities. It shall be the responsibility of the owner to maintain all wastewater treatment or equalization facilities in good working order at all times. The Department of Water Quality Control must be notified in writing when pretreatment facilities will not be or are not operative by reason of equipment malfunction, emergency, routine maintenance, or any reason whatsoever. It shall be the responsibility of the owner to repair and maintain all pretreatment facilities on a high priority basis.

(5) Monitoring facilities. All significant industrial users shall be required to install a monitoring facility (a monitoring facility is a manhole or other suitable facility approved by the Control Authority which includes a metering device with suitable accommodations for composite sampling). When, in the judgment of the Control Authority, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Control Authority may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewaters produced by a user. If sampling or metering equipment is also required by the Control Authority it shall be provided and installed at the user's expense. Such sampling equipment shall be required by the Control Authority only after sampling by the city establishes the existence of significant variations in concentrations or constituents of the user's discharge.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The Control Authority may, when such a location would be impractical or cause undue hardship on the user, allow the monitoring facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of the right-of-way. The monitoring facility shall be located, so that it will not be obstructed by landscaping or parked vehicles.

If the monitoring facility is inside the user's fence, special accommodation must be made so City personnel can have access without communicating with plant personnel before entry, such as for surprise sampling visits.

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the Control Authority's requirements and all applicable local agency construction standards and specifications. When, in the judgment of the Control Authority, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed within 180 days following written notification unless an extension is granted by the Control Authority.

(6) Grease, oil and sand interceptors.

(a) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Control Authority, they are necessary for the proper handling of liquid wastes containing grease from food establishments or grease, petroleum, grit, or other harmful ingredients from any other establishment; except that such interceptors shall not be required for private living quarters or dwelling units.

(b) Grease interceptors shall be sized and installed according to the Fats, Oil, and Grease (FOG) Management Program as it currently exists and amended in the future. The FOG Management Program is available at the City of Cookeville Department of Water Quality Control and on the Department's website. The FOG Program, developed by the Control Authority, may also have requirements for design specifications for interceptors, acceptable manufactures for "under sink" interceptors, cleaning frequency, and reporting requirements for interceptor pumping and/or cleaning.

(c) The Control Authority will determine the minimum capacity and specifications for interceptors for establishments that produce or handle grease or fluid, grit, or other floatable or settleable pollutants not covered by the FOG Management Program based on the process and flow.

(d) When a grease or sand interceptor is required for an existing user, the user shall be notified in writing by the Control Authority. Grease and sand interceptors required for existing users shall be installed within 90 days of notification.

(e) Interceptors shall be located to be easily accessible for cleaning and inspection. Such interceptors shall be routinely inspected, pumped, cleaned, and repaired as necessary for proper operation of the interceptor and in accordance with the City's FOG Management Program by the User at their expense.

(f) Manifests for pumping and hauling the waste from the interceptor shall be kept on file at the facility for a minimum of 3 years.

(g) Facilities that do not pump their interceptor on a routine basis, causing overflows or blockages within the sanitary sewer collection system, will be required by the Control Authority to pump said interceptor on a compliance schedule determined by the Control Authority. Pump manifests shall be submitted to the Control Authority for a period of time to be determined by the Control Authority.

(7) Inspection. The Control Authority and representatives of the State and EPA bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.

The facilities of any user may be inspected to ascertain whether the purposes of this chapter are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Control Authority as well as representatives of the State and EPA ready and immediate access at any time to all parts of the premises for the purpose of inspection or sampling or in the performance of any of their duties. The Control Authority shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations.

If, during an inspection of his facility, the user is found to be in violation of his discharge permit, then such user shall be financially responsible and shall pay for any and all damages, including sampling and analytical costs.

(8) Safety. While performing the necessary work on private properties referred to in the above paragraph, the Control Authority shall observe all safety rules applicable to the premises established by the user, and the user shall be held harmless for injury or death to the Department of Water Quality Control employees, unless the owner/ occupier of the property caused injury, death or damage.

(9) Revocation of permit. Any user who violates any condition of his permit, this chapter, or any applicable state and federal regulations is subject to having his permit revoked. Violations which may result in permit revocation include, but are not limited to, the following:

(a) Intentional failure of a user to accurately report the wastewater constituents and characteristics of his discharge;

(b) Failure of the user to report significant changes in operations for wastewater characteristics;

(c) Refusal of access to the user's premises for the purpose of inspection or monitoring; or,

(d) Violation of conditions of the permit.

(11) Waiver for Pollutant Sampling. The POTW may authorize the Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

(a) The POTW may authorize a waiver where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.

(b) The monitoring waiver is valid only for the duration of the effective period of the Permit, but in no case longer than 5 years. The Industrial User must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.

(c) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. The request for the monitoring waiver must be signed in accordance with subparagraph (a) of this paragraph, and include the certification statement in Tennessee Rule 0400-40-14-.06(1)(b)2. Non-detectable sample results may only be used as a demonstration that a pollutant is not present is the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(d) Any grant of the monitoring waiver by the POTW must be included as a condition in the User's control mechanism. The reason's supporting the waiver and any information

submitted by the User in its request for the waiver must be maintained by the POTW for 3 years after expiration of the waiver.

(e) Upon approval of the monitoring waiver and revision of the User's control mechanism by the POTW, the Industrial User must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Tennessee Rule 0400-40-14-.12(5)(a).

(f) In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the User's operations, the User must immediately; notify the POTW and begin monitoring/reporting for said pollutant per requirements specified by the specified National Pretreatment Standard.

(g) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

(1970 Code, § 13-406)

## **18-207. Charges and fees.**

(1) Purpose of charges and fees. A schedule of charges and fees shall be adopted by the City Council which will enable the Department of Water Quality Control to comply with the revenue requirements of Section 204 of the Clean Water Act. Charges and fees shall be determined in a manner consistent with regulations of the federal grant program to ensure that sufficient revenues are collected to defray the city's cost of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements and depreciation.

(2) Classification of user. All users are to be classified by the Control Authority either by assigning each one to a user classification category according to the principal activity conducted on the user's premises, by analyzing each individual user, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics, to provide an effective means of source control, and to establish a system of charges and fees which will insure an equitable recovery of the city's cost. Any changes and fees not stated in this chapter shall be as determined by the City Manager. A schedule of these fees can be obtained at the City of Cookeville Department of Water Quality Control or on the Department's website.

(3) Type of charges and fees. The charges and fees established by the City may include, but, not be limited to:

- (a) User classification charges;
- (b) Fees for monitoring, maintenance, and analysis;

- (c) Fees for permit applications;
- (d) Surcharge fees;
- (e) Discharge permit fees; including permits for discharging holding tank waste
- (f) Charges and fees based on wastewater constituents and characteristics;
- (g) Fees for garbage grinders;
- (h) Fees for holding tank wastes;
- (i) Fees for reimbursement of administrative costs related to the pretreatment program;
- (j) Fees for reviewing accidental discharge prevention procedures and construction;
- (k) Fees for allowing connection of building sewers to the POTW.
- (l) Fees for plans review and construction inspection

(4) Computation and assessments. The computation of and assessment of surcharges, monitoring charges, maintenance charges and testing or analysis charges shall be subject to the appeals procedure provided in this chapter.

(5) User rates.

(a) Basis of determination of rates. Charges and fees for sewer service are based on normal domestic wastewater with the following characteristics:

BOD <sub>5</sub>	300 mg/l
COD	800 mg/l
TKN	60 mg/l
NH <sub>3</sub> -N	30 mg/l
Suspended Solids	300 mg/l
Oil and Grease	100 mg/l

The charges and fees for all wastewaters which exceed the concentrations for normal domestic wastewater shall be based upon a surcharge as in § [18-207](#)(6).

(b) User charge system. The user charge system consists of a flat base charge based on an equitable distribution of the administrative costs of providing sewer service to all customers connected to the POTW and to each lot, parcel of land or premise which may now or hereinafter be located within one hundred (100) feet of a sanitary sewer owned by the city, plus an equitable distribution of the cost of operating expenses, debt amortization and depreciation to all customers connected to the POTW based on water usages as determined by the water meters owned by the city. A surcharge will be levied against those users which discharge wastewater that exceeds the

strength of "normal wastewater". The owner or occupant of property obtaining water from a source or sources other than through a meter of the city and discharging said water into the POTW shall install, without cost to the city, a meter or meters to measure the quantity of water received from any such source or sources and shall pay the same sewer rate or rates as customers utilizing water provided by the city. No meter shall be installed or used for such purpose without the approval of the Control Authority. The City may use readings from water meters owned by other utilities instead of requiring another meter be installed.

(c) Review of rates. The Department shall review annually in conjunction with budget evaluations the wastewater contribution of users and user classes, the total cost of operation and maintenance of the POTW and the user charge system. The City shall revise the charges for users or user classes to accomplish the following:

(i) Maintain the proportionate distribution of operation and maintenance costs among user and user classes as required herein;

(ii) Generate sufficient revenue to pay the total operation and maintenance costs necessary for the proper operation and maintenance of the POTW; and,

(iii) Apply excess revenues collected from a class of user to the cost of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

(6) Surcharges for high strength wastewater. A surcharge will be assessed for waste containing compatible pollutants in concentrations greater than those for "normal wastewater". The surcharge shall be based on the average analytical results of not less than two (2) unannounced composite samples collected at the monitoring manhole during the month. However, a surcharge for holding tank wastes shall be based on a representative grab sample. Samples shall be collected and analyzed by Department personnel at the POTW treatment plant, or by an authorized independent laboratory when required by the Control Authority. Sample collection and analysis shall be in accordance with 40 CFR Part 136 as amended.

The following formula shall be used to determine the amount of the surcharge:

$$\text{SURCHARGE} = S_{\text{BOD}} + S_{\text{COD}} + S_{\text{TSS}} + S_{\text{TKN}} + S_{\text{NH}_3} + S_{\text{O\&G}}$$

where,

$$\begin{aligned} S_{\text{BOD}} &= \text{surcharge for BOD} \\ &= \text{MWU} * 8.34 * (\text{DC-NC}) * \$0.15 \end{aligned}$$

$$\begin{aligned} S_{\text{COD}} &= \text{surcharge for COD} \\ &= \text{MWU} * 8.34 * (\text{DC-F1}) * \$0.05 \end{aligned}$$

$$\begin{aligned} S_{\text{TSS}} &= \text{Surcharge for Total Suspended Solids} \\ &= \text{MWU} * 8.34 * (\text{DC-NC}) * \$0.15 \end{aligned}$$

$$S_{\text{TKN}} = \text{Surcharge for Total Kjeldahl Nitrogen}$$

$$= \text{MSB} * \{(\text{DC/NC}) - 1\}$$

$S_{\text{NH}_3}$  = surcharge for Ammonia Nitrogen

$$= \text{MSB} * \{(\text{DC/NC}) - 1\}$$

$S_{\text{O\&G}}$  = Surcharge for Oil and Grease

$$= \text{MSB} * \{(\text{DC/NC}) - 1\}$$

and where,

$F1$  = the larger of  $(\text{DC}_{\text{BOD}}) * 2.5$  or 800 mg/l

$\text{MSB}$  = Monthly Sewer Bill (dollars)

$\text{MWU}$  = Monthly Water Usage (million gallons)

$\text{DC}$  = Concentration of the subject parameter discharged (mg/l)

$\text{NC}$  = Concentration of the subject parameter in "normal wastewater" (mg/l)

Only the parameters determined to be present will be included in a pretreatment permit and therefore subject to a surcharge. The surcharge shall be added to the customer's monthly bill.

(7) Sampling and analysis. Users who are required by the Control Authority to have sampling and flow monitoring devices installed (temporary or permanent) shall be charged to compensate the City for operating and maintaining equipment and for performing analytical tests on their discharge. The charge will be assessed in accordance with this chapter.

(8) Recovery for damages. Any person violating any of the provisions of this chapter shall become liable to the City of Cookeville for any expense, loss or damage resulting to the City of Cookeville by reason of such violation including but not limited to labor and material costs resulting from any remedial action required by the city, court costs and reasonable attorney's fees, expert witness expenses, and court reporter fees, or, in addition, any other penalties, fines, charges or assessments.

(1970 Code, § 13-407)

## **18-208. Administration.**

(1) Billing and payment policies. Statements of account for sewer service shall be rendered monthly by the Department of Water Quality Control. Where the customer obtains both services the two (2) charges shall be placed on the same bill and will be rendered to the customer together and the customer shall pay the total bill for both water and sewer service within fifteen (15) days from the date of the bill at the City Hall, Cookeville, Tennessee. In the event of failure by the customer to pay the bill rendered for water and/or sewer, the said customer shall be given at least five (5) days' notice of intention to discontinue service, said notice to provide that if the charges for which the customer is delinquent are not paid within the said period, the Cookeville Department of Water Quality Control will discontinue water service to said customer. In the

event of discontinuance of water service by the Department by reason or failure to pay either the water or sewer charge, said service shall not be restored to the customer until any and all delinquencies for water and sewer service have been paid, together with any and all connection charges or reconnection charges owed by the customer to the Department. In the event the service is discontinued for failure to pay the statements as rendered to the customer, service shall not be restored until such time as the customer has paid any balance of delinquent account for water and/or sewer service remaining, together with any or all connection or reconnection charges.

(2) Adjustment of bills. In the event of a leakage or wastage of water by the improper functioning of equipment beyond the point of service which results in abnormally high bills for water and/or sewer service, and upon proper assurance to the Department that said leakage or wastage has been repaired or eliminated, the customer's bill will be adjusted by an amount to be determined by averaging the bills for water and sewer service for the three (3) months immediately prior to the beginning of said leakage by subtracting this amount from the bill for which adjustment is desired, and adjusting said bill by one-half (1/2) of the result, provided however, that the adjustment will be made for only one month's bill, the month to be determined by the customer. If it can be determined that the nature of the water leak was such that the water could not have gotten into the sewer system, the sewer bill shall be adjusted to reflect the normal charge for the period when there is abnormal water usage. Such sewer charge adjustment shall be made for a period not to exceed three (3) consecutive months and shall be made only when the following conditions are met:

(a) The Department is aware, either through customer notification or internal system monitoring, of abnormal water usage;

(b) Application is made within three (3) months of restored normal usage for an adjustment; and

(c) After notification to the customer of abnormal usage the customer can document that reasonable efforts were made to curtail the abnormal usage.

Property owners are able to receive an adjustment, for sewer only, one time per calendar year for filling their swimming pool in an amount equal to the volume of the swimming pool as long as the drain line does not connect to the city's sewer system.

(3) Sewer rates. The sewer rate charge for normal domestic wastewater is based on the wastewater discharge to the Cookeville Sewer System as measured by the public water supply meter or meters, and/or by any supplementary meter or meters, necessary to measure the amount of water discharged. Property owners must purchase an irrigation meter to prevent charges for sewer usage based on their water consumption through their residential, commercial, or industrial water meter. If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the City reserves the right to render an estimated bill based on the best information available. The Control Authority also reserves the right to require metering of any water discharged into the sewer system.

The charges listed below shall be assessed to all users regardless of whether they are serviced by an individual or a master water meter, or regardless of whether they are connected to the

sewer as long as sewer service is considered to be available under the conditions set forth in this chapter. The following rates are net:

Effective October 1, 2013--Each residence and place of business within the corporate limits of the City of Cookeville, Tennessee, shall pay the following rates:

Zero usage (base charge)      \$5.50

All gallons over zero usage      \$4.51 per 1,000 gallons

(4) Sewer connection charge. Effective January 1, 2013 --Any person desiring to connect to the municipal sewer system shall submit a valid plumbing permit issued by the City of Cookeville Codes Department and pay a connection charge as listed below provided sewer service is available:

	<i>Inside</i>	<i>Outside</i>
Single Residence	\$1,000.00	\$1,250.00
Multi-residence, apartments, motels	1,000.00 + 200.00 per unit	1,250.00 + 200.00 per unit
Office Buildings	1,000.00 + 200.00 per restroom	1,250.00 + 200.00 per restroom
Industrial Building	1,000.00 + 200.00 per restroom	1,250.00 + 200.00 per restroom
Restaurants	1,000.00 + 200.00 per restroom	1,250.00 + 200.00 per restroom
Service station, garage, or retail store.	1,000.00 + 200.00 per restroom	1,250.00 + 200.00 per restroom
Supermarkets or grocery store	1,000.00 + 200.00 per restroom, or 250.00 if using shredder	1,250.00 + 200.00 per restroom, or 250.00 if using shredder
Schools, Daycare, public bldg.	1,000.00 + 200.00 per restroom	1,250.00 + 200.00 per restroom
Self-service laundry	1,000.00 + 50.00 per washing machine	1,250.00 + 50.00 per washing machine

Any sewer connections not listed above shall be computed on an individual basis as deemed necessary by the City of Cookeville. Sewer service shall be considered to be available if a sewer

line is within one hundred (100) feet of the customer's property and the living quarters of a residence or the work areas of a commercial or industrial building can be connected. If sewer is available, upon payment of the above charges the Department shall provide a sewer connection at the customer's property line - the point of connection to be determined by the Department. If sewer service is not considered available the cost to extend sewer to the property shall be paid by the customer.

Any cost of extending the sewer main shall be paid by the customer, except for capital improvement or cost-sharing projects approved by the city council. No sewer main or lateral shall serve property outside the City limits of Cookeville unless approved by the City Council.

Upon recommendation of the Director, and conditioned upon the availability of departmental funds, the city council may approve a cost-sharing agreement with the customer to extend a sanitary sewer main. The agreement shall apply only to that section of the sanitary sewer main constructed between the existing sanitary sewer main and a point on the customer's property approved by the Director. The sanitary sewer main extension must comply with the Department's master sewer plan or the Control Authority must approve the proposed location of the extension. The Director shall contract for the payment by the city of its share of the project costs upon such terms and conditions as the Director deems appropriate.

In residential subdivisions where the sewer system, including laterals to the customer's property, has been installed by the developer, the connection charge shall be \$50, whereas, all other subdivided developments where the sewer system, including laterals to the customer's property, has been installed by the developer, the connection charge shall be \$50 plus \$200 per restroom or unit as described in § 18-208(4).

(5) Holding tank waste dischargers. Private contractors dumping septic tank waste into the wastewater treatment plant shall pay a charge of \$25.00 per 1,000 gallons or portions thereof to the city.

Persons dumping other holding tank waste must provide an analysis and pay a charge of \$25.00 per 1,000 gallons or portion thereof plus any applicable surcharge as contained in § [18-207](#).

(6) Other charges.

(a) Termination of service. Whenever service has been discontinued by the Department for any reason set forth in this chapter, or a trip is made for the purpose of discontinuing service for any such reasons, a charge of ten dollars (\$10.00) will be assessed.

(b) Restoration of service. Whenever service has been discontinued by the Department for any reason set forth in this chapter a charge will be assessed to restore service. This charge will be ten dollars (\$10.00) for those trips made before 2:00 P.M., and will be twenty dollars (\$20.00) for those trips made after 2:00 P.M.

#### **18-209. Private sewage disposal and holding tank wastes.**

(1) Permit requirement. No person, firm, association, or corporation shall clean out, drain or flush any septic tank or any other type of wastewater or excreta disposal system into the POTW unless such person, firm, association or corporation obtains a permit from the Control Authority

to perform such acts or services. Any person, firm, association or corporation desiring a permit to perform such acts or services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the Control Authority when the appropriate fees have been paid and conditions of this chapter have been met, providing the Control Authority is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(2) Designated disposal location. Septic tank and holding tank waste shall not be introduced into any manhole, sewer line, or any other part of the sewer system except at the wastewater treatment plant and only during normal working hours at the treatment plant unless otherwise directed by the Cookeville Department of Water Quality Control.

Before any holding tank waste is discharged a full disclosure of the waste constituents must be made. All required testing of the waste shall be paid for by the hauler.

(3) Revocation of permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the Control Authority. The possession within the City limits of Cookeville by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving as a septic tank or wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the City limits of Cookeville.

(4) Fees. For each permit issued under the provisions of this Chapter a service charge shall be paid to the Control Authority. Any such permit granted shall be for one full calendar year or a fraction of the calendar year, and shall continue in full force and effect from the time issued until the ending of the calendar year unless sooner revoked, and shall be non-transferable. The number of the permit granted here in under shall be plainly painted on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(1970 Code, § 13-409)

## **18-210. Sewer construction and connection.**

(1) Building sewers. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Control Authority.

The owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Control Authority.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Old building sewers may be used in connection with new buildings only when they are found, on examination and/or test by the Control Authority, to meet all requirements of this chapter.

The customer shall be responsible for installation and maintenance of all sewer facilities installed on private property. A clean-out shall be installed at the property line at the point of connection to the sewer lateral, per the Control Authority's sewer clean-out detail available through the Control Authority's office. Maintenance of private sewer lines with no clean-out at the point the sewer line leaves private property and is laid on a public right-of-way, shall be the responsibility of the customer.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer or shall be disposed of in a private disposal system in accordance with local, county, or state law.

No person shall make connection of roof downspouts, exterior foundation drains, area way drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Control Authority before installation.

The applicant for the building sewer permit shall notify the building inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the building inspector or his representative.

The city shall not be responsible for damage due to sewer back-up such as main line broken, surcharge, etc., unless damage is caused by negligence on the part of the Department.

(2) Public sewer specifications. The Control Authority shall establish the city's specifications for construction of public sewers in conformance with the rules and regulations for construction of public sewers as may be imposed by the State and/or the United States Environmental Protection Agency. These specifications may be modified by the Control Authority as the need arises.

Developers desiring to make extensions or additions to the Cookeville Sewer System shall obtain approval of plans and specifications from the Cookeville Department of Water Quality Control, and the State. All public sewers connected to the Cookeville Sewer System shall be constructed in accordance with the City's specifications. The Department shall have the right to specify the size and type of pipe to be installed and to inspect the laying of said pipe and to refuse service if the installation is not made in accordance with acceptable construction practices.

(3) Safety. All excavations for sewer installation shall comply with all applicable OSHA standards so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

#### **18-211. Enforcement.**

(1) Enforcement guide. Whenever the Control Authority finds that a violation of any provision of this chapter or any prohibition, limitation or requirement contained in this chapter, a wastewater discharge permit, or any order issued hereunder has occurred, the Control Authority will initiate the appropriate enforcement response as provided in the Department's Enforcement Response Guide. The Enforcement Response Guide includes specific penalties for violations as determined appropriate by the Control Authority.

(2) Notification of violation. Whenever the Control Authority finds that any user has violated or is violating provisions of this chapter, a wastewater discharge permit or order issued hereunder, the Control Authority may serve upon said User written notice of the violation. Notice may be served on the owner, user, and/or permit holder by certified mail, return receipt requested, or any other means of communication that the city has available to notify the party of said violation and the need for corrective action. Within five (5) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction of the violation and prevention of future violations, including specific required actions, shall be submitted to the Control Authority. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

(3) Administrative orders. Whenever the Control Authority finds that a violation of any provision of this chapter or any prohibition, limitation or requirement contained in this chapter, a wastewater discharge permit, or any order issued hereunder has occurred, the Control Authority may issue an administrative order to direct users not complying with such prohibitions, limits, requirements, or provisions to take any or all of the following measures:

- (a) Comply forthwith or in accordance with a time schedule set forth by the Control Authority;
- (b) Take appropriate remedial or preventive action in the event of a threatened violation;
- (c) Surrender his applicable user's permit if ordered to do so after a show cause hearing;
- (d) Pay a civil penalty and/or damages; and/or,
- (e) Such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(4) Cease and desist order. When the Control Authority finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter or the provisions of a wastewater discharge permit, the Control Authority may issue an order to cease and desist, and direct the user to comply forthwith within a specified time schedule, or to take appropriate remedial or preventative action in the event of a threatened violation.

(5) Injunction. Whenever a user has violated or continues to violate the provisions of this chapter, a discharge permit or order, the Control Authority may petition the Chancery Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge.

(6) Termination of service. Termination of service for failing to pay the monthly sewer bill shall be handled in accordance with § [18-208](#)(1). All other violations for which termination of service is deemed necessary shall be administered according to this section.

Violation of the user's application or agreement for service and failure of payment of any obligation due to the city shall be termed grounds for termination of service. Prior to termination of service for violation of the application or agreement or nonpayment, the Control Authority shall notify, in writing, the owner and/or tenant, if any, that service is intended to be so terminated and afford the owner and/or tenant the opportunity to request a hearing thereon if such request is made in writing within five (5) days of receipt of notice. However, in the event of an emergency that, in the opinion of the Control Authority, threatens harm to the facilities or endangers the public's health, the Control Authority may immediately take action to terminate service to the property.

The Control Authority may immediately suspend sewer service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the Control Authority, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes or may cause interference at the POTW or causes or may cause the City to violate any conditions of its NPDES permit.

Any person notified of an emergency suspension of sewer service and/or a wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the user to comply voluntarily with the emergency suspension order, the Control Authority shall take such steps as deemed necessary, including immediate disconnection of water service or severance of the sewer connection, to prevent or minimize damage to the POTW or endangerment to any individuals. A hearing shall be held by the Control Authority within twenty-four (24) hours of an emergency disconnection order to allow the user an opportunity to demonstrate to the Control Authority that the emergency situation has been abated or corrected and that the danger to the facilities or public health no longer exists. The Control Authority shall reinstate sewer service and/or the wastewater discharge permit upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any further occurrence shall be submitted to the Control Authority within five (5) days of the date of occurrence.

Such right to discontinue service shall apply to all service received through a single tap or service, even though more than one customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant. Discontinuance of service by the Control Authority for any cause stated in this chapter shall not release the customer from liability for service already received or from liability for payments that thereafter become due under the minimum bill provisions or other provisions of the customer's agreement.

(7) Legal action. Upon any indication of a lack of response to a duly issued enforcement action, the matter will be referred to the city attorney for appropriate legal action.

(8) Fines and penalties. Each and every day in which a violation occurs or continues shall be deemed a separate offense. Any fine or penalty provided for in this chapter shall be in addition to damages to which the city may be entitled, pursuant to other provisions of this chapter and as may otherwise be provided by law.

(a) Civil penalties. Any person or user who violates any provision of this chapter requirements or conditions set forth in permits duly issued, or who discharges wastewater which causes pollution or violates any order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard, shall be subject to the penalties and procedures provided for in "The Tennessee Water Quality Control Act of 1977", Tennessee Code Annotated, §§ 69-3-101 through 129 as amended. The Control Authority may levy penalties of up to \$10,000 per day for each violation. The Enforcement Response Guide shall be used when administering penalties.

(b) Criminal penalties. Any person who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a (penalty) of fifty (\$50) dollars per violation per day.

(c) Falsifying of information. Any person or user who knowingly makes any false statements, representation, record, report, plan or other document filed with the Control Authority or who falsifies, tampers with or knowingly renders inaccurate any monitoring device required under this chapter is hereby declared to be in violation of this code section and subject to the civil and/or criminal liabilities.

(9) Failure to comply. The issuance of a notice of violation, administrative order, or compliance schedule shall not relieve the recipient of any penalties or fines that result from failure to comply with the provisions of this chapter.

(10) Notification to public. The Control Authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by [the POTW], a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements.

(11) Preventive measures. Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system shall be eliminated if deemed necessary by the Control Authority.

(12) Correction of violation. In order to enforce the provisions of this chapter, the Control Authority, shall have the authority to correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the user violating this chapter or the owner and/or tenant of the property upon which the violation occurred, and the City of Cookeville shall have such remedies for the collection of such costs as it has for the collection of sewer service charges.

(13) Damages to facilities. When a discharge of wastes causes an obstruction, damage, or any other impairment to the POTW facilities, the Control Authority shall assess a charge against the

user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

(14) Compliance schedules. When the Control Authority finds that a discharge of wastewater is, or has been, taking place in violation of prohibitions or limitations prescribed in this chapter or the wastewater discharge permit requirements, or otherwise finds a violation of this chapter, the Control Authority may require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements.

(15) Hearings/appeals.

(a) Appeals board.

(i) Members. The City Council shall appoint a five member board to be known as the Sewer Regulations Appeals Board. Members shall be appointed for three year terms; however, the terms of the initial board members shall be as follows: one member for one year; two members for two years; and two members for three years. All members appointed to fill expired terms shall serve for three consecutive years thereafter, and no member of the Sewer Regulations Appeal Board shall serve more than two full, three-year terms without a one-year break. A member whose term has expired shall continue to serve until his or her successor is appointed in the manner as herein provided. In the event of death or resignation of a board member prior to expiration of his or her term, a successor shall be appointed for the unexpired term in the same manner as the deceased or retiring board member was appointed, and shall take office upon appointment. Such successor board member shall be eligible for re-appointment to two full terms. A chairman and vice chairman of the board shall be elected by majority vote of the sewer regulations appeals board. The Director or his designee shall serve as the secretary to the Sewer Regulations Appeals Board.

(ii) Powers of the board. The appeals board shall have the following powers:

(A) To conduct hearings on appeals of decisions of the Director in actions taken under and pursuant to this chapter.

(B) To issue subpoenas requiring attendance and testimony of witnesses and production of evidence relevant to any matter involved in hearings before the board. This power may be exercised by the board on its own initiative or upon application of the parties.

(C) To administer oaths. The chairman, vice-chairman or chairman pro tem shall be authorized to administer oaths. All testimony before the board shall be under oath.

(D) To prescribe such rules and regulations for the convening of the board, the conduct of hearings and all matters pertaining to and in furtherance of the authority and power herein granted.

(E) To review actions or decisions, other than the refusal of applications for exceptions and/or conditions on discharge permits, to determine if the decision, action or determination

made by the Director is reasonable and necessary to protect the POTW and/or to effectuate the provisions of this chapter.

(F) To review actions involving refusal of application for exceptions and/or conditions on discharge permits to determine whether or not the party appealing said decision has met the conditions prescribed in this chapter. In making this determination, the board may consider the following:

(1) The cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive cost alone shall not be the basis for granting a variance;

(2) The age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge.

(3) The process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge;

(4) The engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quantity or quality of wastewater discharge.

(b) Hearings. Except in those emergency situations, as provided for elsewhere in this chapter, the Director shall afford any user an opportunity for a hearing to show cause why a proposed enforcement action should not be taken. User shall be provided with not less than forty-eight (48) hours of notice of such hearing. Notice of the meeting shall be served personally or by registered or certified mail (return receipt requested). Such notice may be served on any user, permit applicant or permit holder. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.

Any order of notice of violation shall become final and not subject to review unless the person or persons named therein request, by written petition, a hearing before the Sewer Regulations Appeals Board no later than thirty (30) days after the date such is served.

The Director's decision, action or determination, shall remain in full force and effect during such period of appeal unless modified or suspended by the Sewer Regulations Appeals Board.

Any hearing held by the Sewer Regulations Appeals Board will be held according to and in full compliance with Tennessee Code Annotated, § 69-3-124.

#### **18-212. Miscellaneous provisions.**

(1) Rules and regulations. The city is authorized to make, promulgate, alter, amend, or repeal such rules and regulations as are reasonably necessary to control the use of the Cookeville Sewer System. The violation of any such rules and regulations shall constitute a violation of this chapter.

(2) Severability. If any provision, paragraph, word, article or section of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

(3) Conflict. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict.

(4) Effective date. This chapter shall be in full force and effect from and after its passage, approval and publication, as provided by law. (1970 Code, § 13-413)